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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,248	10/24/2003	Ryszard J. Gordecki	CS22815RL	1395

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,248

Applicant(s)

GORDECKI, RYSZARD J.

Examiner

Jean A. Gelin

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments filed on November 20, 2005 in which claims 1, 10, and 17 have been amended, claims 2 and 11-14 have been canceled, and claims 20-22 are currently pending.

Claim Objections

2. Claim 15 is objected to because of the following informalities: claim 15 can not depend from a canceled claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 17-19, the phrases "a first section", "a flip second section", and so on are not consistent with at least claim 1. For instant in claim 1, the Applicant refers to the "first section" as "the third section". It appears that the Applicant gives more than one name to a single feature. Appropriate correction is required in order to avoid confusion.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 16, 17, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto (US 2003/0228847).

Regarding claims 1, 17, and 20, Matsumoto teaches a cellular telephone (figs. 2-4) comprising: a first part (cover 4) having a longitudinal axis substantially in the center of the first part, the first part including a display (cover 4 includes display 11, paragraphs 30 and 31); and a second part (rotation supporting section 10) coupled to the first part by a pivot mechanism that includes a pivot axis that makes an angle of less than ninety degrees with the longitudinal axis of the first part, whereby the second part can be oriented to face different azimuthal angles about the longitudinal axis of the first part (paragraphs 30-32), the second part including a camera (i.e., rotation supporting section 10 includes camera 21); and a third part (main body 3) connected to the first part by a hinge that includes a hinge axis, the third part including a keypad (main body 3 includes operational section 6, paragraphs 28-34).

Regarding claim 2, Matsumoto teaches a third part (3) coupled to the first part by a hinge that includes a hinge axis (paragraph 31).

Regarding claim 3, Matsumoto teaches the hinge axis is normal to the pivot axis (paragraph 31).

Regarding claim 4, Matsumoto teaches the pivot axis makes an angle of less than 20 degrees with the longitudinal axis (hinges and rotation section allow cover or the camera to rotate at any angle paragraphs 30-32).

Regarding claim 5, Matsumoto teaches the pivot axis makes an angle of less than 15 degrees with the longitudinal axis (hinges and rotation section allow cover or the camera to rotate at any angle paragraphs 30-32).

Regarding claim 6, Matsumoto teaches the first part comprises a first surface (3); the second part comprises a second surface located adjacent the first surface of the first part (camera section 21); and the pivot mechanism (paragraphs 30-32) comprises: a pinion extending from one of the first and second surfaces (paragraphs 30-32); and a hole formed in another of the first and second surfaces, wherein the pinion extends into the hole (paragraphs 30-32).

Regarding claim 7, Matsumoto teaches interconnecting multiple displays within a communication device wherein a spring seat located in one of the first and second parts, around the hole, a spring retainer attached to the pinion, and a coil spring located around the pinion between the spring seat and the spring retainer are intrinsic components of the communication device (see fig. 3).

Regarding claims 8, 9, Matsumoto teaches interconnecting multiple displays within a communication device an annular, axially acting cam disposed on one of the first and second surfaces, and an annular, axially engaging follower disposed on another of the first and second surfaces, and positioned to engage the axially acting cam (col. 7, lines 10 to col. 8, line 41).

Regarding claim 16, Matsumoto teaches a stop mechanism for limiting rotation of the first part relative to the second part (see figs. 3-4).

Regarding claim 22, Matsumoto teaches a third part coupled to the first part by a hinge, that includes a hinge axis, wherein the hinge axis is perpendicular to the longitudinal axis (figs. 3-4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10, 15, 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (US 2003/0228847) in view of Wilk (US 6,643,124)

Regarding claim 10, Matsumoto teaches all the limitations above except the second part comprises a second display.

However, the preceding limitation is known in the art of communications. Wilk teaches a mobile communication device having multiple displays to provide more space display a sizable amount of information (col. 2, line 60 to col. 3, line 39 and figs. 10 and 13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to implement the technique of Wilk within the system of Matsumoto in order that the multiple display device provide a single high resolution color display panel for viewing of digital image.

Regarding claims 15, 18, and 21, Matsumoto in view of Wilk teaches all the limitations above. Matsumoto further teaches the display and the camera are in opposite directions (illustrated in figs. 5 and 6). Wilk further teaches the second part comprises a display (display 136 in panel 122 of fig. 13

Given that Matsumoto teaches a display at the opposite direction of camera in a flip cover. Therefore, rearranging the parts in the combination system of Wilk and Matsumoto are within the level of one of ordinary skill in the art to provide a small portable communication device with excellent portability at a low manufacturing cost.

Regarding claim 19, Matsumoto in view of Wilk teaches all the limitations above. Matsumoto further teaches the pivoting head further comprises an earpiece speaker (figs. 4 and 5, earpiece 26)

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Awan et al.	US 6,792,293	09/14/2004
Suso et al.	US 6,396,974	05/28/2002

Response to Arguments

9. Applicant's arguments with respect to claims 1-10 and 15-22 have been considered but are moot in view of the new ground(s) of rejection.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
January 23, 2006

JEAN GELIN
PRIMARY EXAMINER
Jean Allard Gelin